



CANNON BUILDING
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STATE OF DELAWARE
DEPARTMENT OF STATE

DIVISION OF PROFESSIONAL REGULATION

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| PUBLIC MEETING MINUTES: | BOARD OF ARCHITECTS |
| MEETING DATE AND TIME: | Wednesday, June 4, 2014 at 1:30 p.m. |
| PLACE: | 861 Silver Lake Blvd., Conference Room B, Second floor, Dover, Delaware |
| MINUTES APPROVED: | July 2, 2014 |

MEMBERS PRESENT

John Mateyko, RA, Professional Member, President
Richard Wertz, RA, Professional Member
Paul Guggenberger, RA, Professional Member
Todd Breck, RA, Professional Member
Prameela Kaza, Public Member
Kevin Wilson, RA, Professional Member, Secretary
Joseph Schorah, Public Member
Elizabeth Happoldt, Public Member

DIVISION STAFF/DEPUTY ATTORNEY GENERAL

Jennifer Singh, Deputy Attorney General
Meaghan Jerman, Administrative Specialist II
Flora Peer, Administrative Specialist II

OTHERS PRESENT

Kenneth Freemark, RA
Nancy Payne, AIA Delaware
Cheryl O'Brien

Call to Order

Mr. Mateyko called the meeting to order at 1:30 p.m.

Review and Approval of Minutes

The Board reviewed the minutes of the May 7, 2014 meeting. Mr. Wilson made a motion, seconded by Mr. Guggenberger to accept the minutes as presented. The motion carried unanimously.

Unfinished Business

Re-Review of Application of Meryl Towarnicki – Direct Application Tabled at May Meeting

Mr. Wilson informed the Board that he contacted NAAB and was informed that Spring Garden College was not an accredited architectural program. Mr. Wilson explained that Spring Garden College was in

the process of accreditation; however the college then closed prior to earning accreditation. As Ms. Towarnicki's degree is not NAAB accredited, the Board discussed alternative methods for Ms. Towarnicki to obtain licensure in Delaware such as NCARB's Broadly Experienced Architect (BEA) program. Ms. Singh explained her concern with the Board's current regulations and the challenges for applicants applying by Direct Application as opposed to those who are applying with an NCARB certificate. Ms. Singh shared that she believes the Board has delegated a lot of their decision making to NCARB and that Board was appointed by the Governor to make decisions and not rely on NCARB. Ms. Singh explained the Board may want to consider statutory and regulatory changes moving forward to address this issue.

Ms. Singh informed the Board that 24 *Del. C.* § 307(a)(1) allows the Board to have more flexibility to license someone who has met the Board's qualifications for licensure. Ms. Singh explained that the Board can review applications to determine if an applicant's education and experience fall under the guidelines of NCARB's Broadly Experienced Architect (BEA) program or the education can be reviewed for equivalency to a NAAB accredited degree. Board members agreed that moving forward if the Board chooses to review education qualifications that the transcript should be reviewed relative to the education requirements set forth by NCARB's guidelines. Mr. Wilson suggested the Board create regulations to address this matter moving forward that are consistent with the guidelines of NCARB.

Mr. Wilson stated that he reviewed Ms. Towarnicki's application and he feels her education is equivalent to education guidelines set forth by NCARB and as Spring Garden College was on the path to equivalency prior to closing he believes that she is qualified for licensure. Mr. Wilson withdrew his original motion to propose to deny Ms. Towarnick's application and Mr. Wilson made a motion to approve Ms. Towarnicki's application, seconded by Mr. Wertz. The motion passed unanimously.

Re-Review of Application of Jamie Fishman – Direct Application Tabled at May Meeting

Mr. Wertz reviewed the application of Mr. Fishman. Staff obtained information from NAAB that the University of Maryland's Bachelors of Architecture program was accredited from 1973 to December 31, 1987. Mr. Fishman graduated from the University of Maryland in 1972. Mr. Fishman has been practicing architecture in the state of Maryland since 1998. Mr. Wertz advised that he had not been able to thoroughly review Mr. Fishman's transcript for equivalency to a NAAB accredited degree. Mr. Breck made a motion to table Mr. Fishman's application pending further evaluation of his transcript, seconded by Mr. Schorah. The motion passed unanimously.

Discussion of Delaware Tech Service Learning Program and Review Correspondence from AIA Delaware

Mr. Mateyko advised all Board members present that Mr. Wertz has an affiliation with Delaware Tech. Ms. Singh discussed conflicts of interest with the Board. Mr. Wertz confirmed that he could be objective in the decision and did not wish to recuse from the discussion. Mr. Breck provided a historical overview of the Del Tech program and Board's past concerns dating back to 2009. Mr. Mateyko and Mr. Wertz both attended the Capstone Design Projects presentation made by all campuses on May 1, 2014. Mr. Mateyko explained that he observed a stack of the drawings from Mr. Pedersen's class that was distributed to all attendees. Mr. Mateyko shared that there was also a brochure for the evening that stated the program was approved by the Board. Mr. Mateyko stated that this approval was also announced at the presentation. Further, Mr. Mateyko noted that one of the groups developed a fictitious name of "Ascaraje Architects". The Board believes that this group was not overseen by Mr. Pedersen. Mr. Breck added that the other projects did not have the disclaimer noted and it was only included on Mr. Pedersen's documents. The Board reviewed the Memorandum of Understanding (MOU) with Delaware Tech. Mr. Mateyko read excerpts aloud to the Board. Mr. Mateyko shared his opinion that the distributed materials were more than artist renderings.

Mr. Guggenberger read aloud correspondence received from AIA Delaware concerning the AIA's belief that the MOU has been violated by Delaware Tech. Mr. Breck stated that he feels that the MOU should be terminated, however he does not think it should be done so without a program for moving forward. Mr. Breck explained the importance of getting interest to young people in the state where students may learn about architecture. Mr. Breck suggested some consideration be given to the finding a single project that meets the requirements that the Board deems appropriate.

The Board discussed significant concerns with the presentations completed by the other campuses of Delaware Tech. Mr. Mateyko shared his concerns with using the classroom experience for a real world project. Mr. Mateyko shared that he feels the Service Learning program is counterproductive to the mission of the Board. He expressed concern that the students can come out the program with a false sense of their competency. The Board discussed the possibility of requiring a registered architect to oversee these programs. Mr. Freemark was present in the audience and was permitted to address the Board. Mr. Freemark explained that the Board's had concerns at the time the MOU was about the perception that the students would come away with.

Mr. Breck made a motion to terminate the MOU by written notification to Delaware Tech, seconded by Mr. Schorah. Mr. Wertz clarified the reasons for termination as outlined in the AIA letter including the inappropriate use of the term architect, the lack of disclaimer on Terry and Stanton campuses materials, the questionable use of non-service organizations such as Lums Pond, and the distribution of the printed materials to attendees. The motion passed unanimously.

Discussion of Regulation Changes to Further Clarify Registration Requirements

Ms. Singh explained that she reviewed the regulations and statute and only had a few concerns. Ms. Singh advised that the biggest concern she has is with 24 *Del. C.* § 309 (Reciprocity). Ms. Singh explained that moving forward the Board should consider a statutory change to address the challenges of application by reciprocity. Board members discussed possible regulation changes to 4.0 to provide clarification for reciprocal applicants and clarify 24 *Del. C.* § 309. Ms. Singh made suggestions to revisions the Board could make to the current regulations. Ms. Singh explained 4.1.1 and 4.1.2 should be elaborated with more objective criteria for licensure. The Board discussed forming a legislative committee to address these changes. Mr. Wilson, Mr. Guggenberger, and Mr. Breck volunteered to be a part of this committee. The committee agreed to meet in September prior to the meeting; however they may bring draft materials for the Board to review at the July meeting.

Update on NCARB Annual Meeting

Ms. Jerman advised the Board that NCARB has graciously agreed to allow Board members to attend the annual meeting on a daily basis. Ms. Jerman will follow up with those who have expressed interest to attend prior to the meeting with additional information.

Re-Review of Application for ARE of Vishal Sawlani – Discussion of Board's Decision to Propose to Deny

Ms. Singh explained that she feels the Board proposed to deny Mr. Sawlani in error at the April meeting. Mr. Wertz commented that the regulations state an applicant must be enrolled in an IDP, but does not state it must be completed. Mr. Guggenberger motion to rescind the Board decision to Propose to Deny Mr. Sawlani's application, seconded by Ms. Happoldt. The motion passed unanimously. Mr. Schorah made a motion to grant Mr. Sawlani's application for the ARE, seconded by Mr. Wilson. The motion passed unanimously.

New Business

Election of Officers

Ms. Happoldt made a motion that the Board's current officers, Mr. Mateyko and Mr. Wilson serve another year, seconded by Mr. Schorah. The motion passed unanimously. Mr. Mateyko will serve another term as President, and Mr. Wilson will serve another term as Secretary.

Review of Final Board Order for Non-Compliance – George Badger

Ms. Jerman explained that Mr. Badger still remains non-compliant with his Board order. Ms. Singh explained no further action was needed by the Board as the order states if Mr. Badger does not comply his license will be revoked. Ms. Jerman will notify NCARB of the disciplinary status and Mr. Badger's license will be revoked.

Review of Final Board Order for Non-Compliance - Leonard Messina

Ms. Jerman explained that Mr. Messina still remains non-compliant with his Board order. Ms. Singh explained no further action was needed by the Board as the order states if Mr. Messina does not comply his license will be revoked. Ms. Jerman will notify NCARB of the disciplinary status and Mr. Messina's license will be revoked.

New Complaints to Assign a Contact Person

There were no new complaints assigned to a contact person.

Ratification of Certificate of Authorization Application(s)

Mr. Wilson made a motion, seconded by Mr. Breck to ratify the Certificate of Authorization's issued below. The motion carried unanimously.

MGA Partners RTKL Associates, Inc. Stantec Architecture

Ratification of Reciprocity Applications – NCARB Certificate

Mr. Schorah made a motion, seconded by Mr. Wertz to ratify the applicants by NCARB certification. The motion carried unanimously.

James Hodges Elbert Walker Gary Livermore Buddy Webb

Review of Application(s) by NCARB

Cheryl O'Brien

Mr. Wertz reviewed Ms. O'Brien's application. Ms. O'Brien reported discipline in New Jersey due to practicing on a lapsed license. Ms. O'Brien has completed the required continuing education and Mr. Wertz confirmed that she met the requirements for licensure. Mr. Wertz made a motion to approve Ms. O'Brien's application for licensure and waive the potential disqualifier of being found guilty of any of the requirements for business and professional conduct required of architects as set forth in the Board's statute and regulations under 24 *Del. C.* § 307(c)(3), seconded by Mr. Schorah. The motion passed unanimously.

Review of Applications by Direct Application

Lester Escobedo

Mr. Wertz reviewed the application of Lester Escobedo. Mr. Escobedo has a Bachelor's of Architecture from Cornell University and is currently licensed in Pennsylvania, New Jersey, and Maryland. Mr. Wertz informed the Board that Mr. Escobedo's application contained a letter which indicates that he has been practicing architecture without a license while waiting for his Delaware license to be issued. Board members reviewed Mr. Escobedo's correspondence. Ms. Jerman confirmed that the Board had not received notification from Mr. Escobedo pursuant to 24 *Del. C.* §

303(b)(4). Mr. Breck made a motion to propose to deny Mr. Escobedo's application pursuant to 24 Del. C. § 307(c)(4), seconded by Mr. Schorah. The motion passed unanimously.

Other Business Before the Board (for discussion only)

Mr. Schorah apologized to the Board for his recent absences due to testifying before the Legislature.

Public Comment

Mr. Freemark inquired how many Board members constitute a quorum. Ms. Singh advised of what the statute stated on this matter and further advised of what would be considered FOIA violations. Ms. Singh added that discussions of Board business should always only take place during the public meetings.

Next Scheduled Meeting

The next meeting will be held on July 2, 2014 at 1:30 p.m. in Conference Room B, second floor of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware.

Adjournment

With no further business before the board, Mr. Mateyko made a motion to adjourn the public meeting, seconded by Mr. Breck. The motion carried unanimously. The meeting adjourned at 3: 45 p.m.

Respectfully submitted,



Meaghan Jerman
Administrative Specialist II